



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,798	07/31/2003	Akihito Okayasu	P/647-143	1997

2352 7590 05/20/2005

OSTROLENK FABER GERB & SOFFEN
1180 AVENUE OF THE AMERICAS
NEW YORK, NY 100368403

EXAMINER

CHOI, JACOB Y

ART UNIT	PAPER NUMBER
----------	--------------

2875

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

A EF

Office Action Summary	Application No. 10/631,798	Applicant(s) AKIHITO OKAYASU	
	Examiner Jacob Y. Choi	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/8/2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/2004 & 7/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement filed 3/15/2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there may be missing pages in the document presented EP1 139 639 A3, EP 1 251 676 A1, DE 32 35 752 A1 and JP 3-164922. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Note: blank pages appear on the listed documents

Drawings

3. Figure 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 14, 15. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the

Art Unit: 2875

description: 51, 52, 153, 155a. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kimura (USPN 6,762,740).

Regarding claim 1, Kimura discloses key input means (2) for inputting characters by key input in a plurality of character input modes, switching means (key input as on/off function) for switching a plurality of character input modes, a key backlight (backlight;

Art Unit: 2875

column 4, lines 20-65) which is placed on a lower surface of the key input means and is lighted in a plurality of colors (7 colors; red, blue, yellow, green purple, orange, and white), and lighting control means (15; CPU) for changing a lighting color of the key backlight in accordance with switching of character input modes.

Note: claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Regarding claim 2, Kimura discloses the key input means (2) comprises a plurality of keys (Figure 1), the key backlight comprises light-emitting means located at lower surfaces of the respective keys, and the lighting control means (CPU) changes a lighting color of only the light-emitting mean located at the lower surface of a key which can be used for character input operation in a set character input mode.

Regarding claim 3, Kimura discloses the device further comprises storage means (12, 13; Figure 2) for storing correspondence data between a plurality of character input means and a plurality of colors, and when a signal indicating that a character input mode is switched is input from the key input means, the key backlight lighting control means (CPU) determines a lighting color of the key backlight by referring to the storage means.

Regarding claim 4, Kimura discloses the storage means comprises first storage means which cannot be overwritten (13), and the correspondence data is stored as an initial setting value in the first storage means.

Regarding claim 5, Kimura discloses the storage means comprises second storage means (12) which can be overwritten, and the key back light lighting control

means writes the correspondence data as a user setting value in the second storage means.

Regarding claim 6, Kimura discloses the key backlight lighting control means preferentially refers to a user setting value when the user setting value is stored (schedule function, anniversary function, calendar function ... etc; Figure 3).

Regarding claim 7, Kimura discloses the storage means further comprises key backlight application setting lighting color data for setting a lighting position of the key backlight, and the key backlight lighting control means determines a lighting color of the key backlight by referring to at least one of key backlight application setting lighting color data and key backlight application setting lighting position data (Figures 6, 7).

Regarding claim 8, Kimura discloses the key backlight lighting control means downloads key backlight application setting lighting color data and key backlight application setting lighting position data.

Regarding claim 9, Kimura discloses a key input device is a cell phone.

8. Claims 1, 2 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida (USPN 6,761,462).

Regarding claim 1, Yoshida discloses key input means (Figure 1) for inputting characters by key input in a plurality of character input modes, switching means (key input as on/off function) for switching a plurality of character input modes, a key backlight (Figure 2) which is placed on a lower surface of the key input means and is

Art Unit: 2875

lighted in a plurality of colors, and lighting control means for changing a lighting color of the key backlight in accordance with switching of character input modes.

Regarding claim 2, Yoshida discloses the key input means comprises a plurality of keys, the key backlight comprises light-emitting means located at lower surfaces of the respective keys, and the lighting control means changes a lighting color of only the light-emitting mean located at the lower surface of a key which can be used for character input operation in a set character input mode.

Regarding claim 9, Yoshida discloses a key input device is a cell phone.

9. Claims 1, 2 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Sunga Mitsuhide (JP 2001-217904).

Regarding claim 1, Sunga Mitsuhide discloses key input means (4; [0007]) for inputting characters by key input in a plurality of character input modes, switching means (key input as on/off function and [0022]) for switching a plurality of character input modes, a key backlight (5) which is placed on a lower surface of the key input means and is lighted in a plurality of colors, and lighting control means for changing a lighting color of the key backlight in accordance with switching of character input modes.

Regarding claim 2, Sunga Mitsuhide discloses the key input means comprises a plurality of keys, the key backlight comprises light-emitting means located at lower surfaces of the respective keys, and the lighting control means changes a lighting color of only the light-emitting mean [0008 and 0021] located at the lower surface of a key which can be used for character input operation in a set character input mode [0001].

Regarding claim 9, a key input device is a cell phone (1; [0035]).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Messel (USPN 6,550,927) – light guide for a communication unit

Yokata (USPN 6,299,322) – illuminating device for a portable radio apparatus

Hall et al. (USPN 6,661,348) – apparatus for providing a visual indication of receipt of an electronic message

O'Leary (US 2001/0050675) – viewer system for a wireless device

Laurila (USPN 6,760,012) – method and means for editing input text


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC



JOHN ANTHONY WARD
PRIMARY EXAMINER